

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RASHONDA D. GOOCH,)
Plaintiff,)
v.)
USHER RAYMOND, IV, LAFACE RECORDS,)
ZOMBA LABEL GROUP, BRIAN MICHAEL)
COX, and SO SO DEF RECORDINGS,)
Defendants.)
Civil No. 3:09-0891
Judge Trauger

ORDER

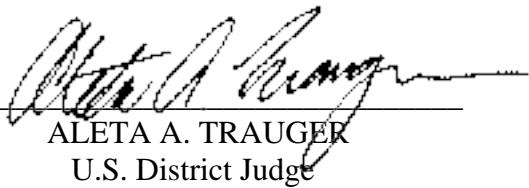
The *pro se* plaintiff has filed objections to the Report and Recommendation (Docket No. 122) issued on July 20, 2011 (Docket No. 132). Upon this court's *de novo* review pursuant to Rule 72(b), FED. R. CIV. P., and 28 U.S.C. § 636(b)(1)(C), the Report and Recommendation is **REJECTED**.

It appears from the record that this *pro se* plaintiff has made substantial efforts to serve defendant So So Def Recordings, Inc., who is represented by the same counsel as all the other defendants in this case. In this court's view, those efforts establish the "good cause" for the failure to achieve service on this defendant within 120 days after this defendant was added to this case. Rule 4(m), FED. R. CIV. P.; *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996). This defendant has joined in a Motion For Summary Judgment filed by the other defendants (Docket No. 118). Perhaps this defendant will succeed on the merits in the Motion For Summary Judgment, but it will not succeed, at this point, upon being dismissed from this case based on insufficient service of process.

It is hereby **ORDERED** that this case is returned to the Magistrate Judge for further handling under the original referral Order. It is further **ORDERED** that the plaintiff has until October 1, 2011 within which to properly secure service upon defendant So So Def Recordings, Inc., or this defendant will be dismissed pursuant to Rule 4(m), FED. R. CIV. P.

It is so **ORDERED**.

Enter this 1st day of August 2011.



ALETA A. TRAUGER
U.S. District Judge